

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3325 of 2015

Date of Decision : 01.03.2018

The New India Assurance Co. Ltd.

....Appellant

Versus

Smt. Saroj Devi and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Neeraj Khanna, Advocate for the appellant.

Mr. D.P. Gupta, Advocate for respondents no. 1 to 5.

Mr. R.K. Sharma, Advocate for respondent no. 6.

Surinder Gupta, J. (Oral)

This is appeal by the New India Assurance Co. Ltd. against award dated 19.11.2014 passed by Motor Accident Claims Tribunal, Gurgaon (later referred to as 'the Tribunal') awarding compensation of ₹49,92,162/- for death of Ram Niwas (later referred to as 'the deceased'), aged 47 years, in a motor vehicle accident.

2. As the only issued raised in this appeal is regarding quantum of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. It was proved on record that age of the deceased was 47 years and he was employed as teacher at Government Primary School Haj-Kaka, Kot Kasim, Alwar, Rajasthan and was drawing salary of ₹33,288/- (gross). The Tribunal by taking salary of the deceased, as proved on record, had deducted income tax from the total salary as per prevailing rate of tax and then computed the same as ₹3,87,152/- to which 30% was added towards future prospects and amount of

compensation was computed after applying the multiplier of 13 as per age of the deceased. On conventional heads, an amount of ₹85,000/- was allowed, which included compensation towards loss of consortium as ₹25,000/-, expenses incurred on transportation and last rites as ₹20,000/- and loss of estate as ₹20,000/-. Another compensation of ₹20,000/- was allowed on account of non-pecuniary damages. The calculation of compensation as awarded in this case is as per law settled by Hon'ble Apex Court in case of **National Insurance Company Limited vs. Pranay Sethi and others, 2017 (4) R.C.R. (Civil) 1009** except the grant of ₹85,000/- on conventional heads, which is to be restricted to ₹70,000/- only.

Learned counsel for the appellant could not assail the grant of compensation as awarded by the Tribunal except the excess amount of ₹15,000/- awarded towards conventional heads.

Learned counsel for claimants-respondents no. 1 to 5 also agrees that amount awarded towards conventional heads can be restricted to ₹70,000/- as per law laid down in case of **Pranay Sethi (supra)**.

In view of my above discussion, this appeal is partly accepted. Award passed by the Tribunal is maintained except to the extent of grant of compensation towards conventional heads. Consequently, the amount of compensation awarded by the Tribunal is reduced from ₹49,92,162/- to ₹49,77,162/-.

March 01, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No